

ARTICLE 21. ON-SITE DEVELOPMENT STANDARDS

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21.1 PURPOSE

The purpose of this Article is to address the site improvements on a lot other than the principal building. This includes adequate public facility requirements, environmental performance standards, exterior lighting regulations, accessory structures and uses, permitted encroachments into required yards, and temporary uses.

21.2 ADEQUATE PUBLIC FACILITY REQUIREMENTS

Land proposed for development shall be served adequately by essential public facilities and services. Land will not be approved for development unless and until adequate public facilities exist or provision has been made for water facilities, wastewater facilities, drainage facilities and transportation facilities necessary to serve the proposed development, whether such facilities are located within the property being platted or outside of the site. This policy may be defined further and supplemented by other City ordinances.

A. Conformance to Plans

Proposed public improvements shall conform to the Master Plan and all applicable public facilities and capital improvements plans.

B. Water

All platted lots shall be connected to a public water system or properly permitted to ensure water for health and emergency purposes, including adequate fire protection.

C. Wastewater

All platted lots shall be served by an approved means of wastewater collection and treatment.

D. Streets

All streets shall provide a safe, convenient and functional system for vehicular and pedestrian circulation and shall be properly related to the City Major Street Plan. All streets shall be appropriate for the traffic characteristics and impacts of the proposed development.

E. Drainage

Drainage improvements shall accommodate potential runoff from upstream drainage areas and designed to prevent overloading the capacity of the downstream drainage system. The City may require the phasing of development, the use of control methods such as retention, detention or pumping systems, and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development. All sites shall meet the stormwater management requirements of Article 23.

F. Phasing

The City may require the phasing of development or improvements to maintain current levels of service for existing public services and facilities or for other reasons based upon maintaining the health, safety and general welfare of the City's inhabitants.

G. Complete Streets

In accordance with Section 146-36 of the City Code, all planning, design, funding, operation, and maintenance of the City's transportation system shall comply with the City's Complete Streets policy.

H. Subdivision Regulations

All subdivisions shall comply with the City of New Orleans Subdivision Regulations. Where conflicts occur with this Ordinance, the Director of Safety and Permits shall determine which regulations to follow.

I. Wetlands

Any development of lots located, or partially located, within the area subject to the Coastal Resources Management Act of 1978 requires a Coastal Use Permit, in accordance with the City Code.

21.3 ENVIRONMENTAL PERFORMANCE STANDARDS

All uses shall be operated to comply with standards of performance, or their equivalent, which have been, or which may be adopted or amended from time to time, by the Louisiana Department of Environmental Quality (LDEQ) pursuant to the Revised Statutes of Louisiana. All uses shall be operated to comply with the performance standards described in this section below. In addition to these performance standards, all uses shall be constructed, maintained, and operated to prevent negative impacts to the use and occupation of adjacent premises, including impacts from the emission or creation of noise, vibration, odor, radiation, fire, explosive hazard, or glare. Nothing in this section is intended to alter, change, modify, or abrogate any authority granted exclusively to any State commission. These standards do not apply to construction sites.

A. Noise

No activity or use may be conducted in a manner that generates a level of sound, as measured on another property, greater than that allowed by the Health Department and any federal or state regulations, as amended from time to time. These limits do not apply to noises that result from safety signals or warning devices, and moving sources such as motor vehicles, railroads, and aircraft. This section does not apply to noises not directly under the control of the owner or occupant of the property.

B. Vibration

In general, this means that a person of normal sensitivities does not feel any vibrations at any point off the lot where the use is located and shall comply with all applicable federal, state, and local laws. Vibrations from vehicles that leave the site, such as trucks, trains, airplanes, and helicopters, are exempt from this regulation.

C. Dust and Air Pollution

Dust and other types of air pollution, borne by the wind from sources such as storage areas, yards, roads, conveying equipment, and the like within lot boundaries, shall be kept to a minimum by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means. All activities producing dust and other types of air pollution shall comply with all applicable federal, state, and local laws.

D. Regulated Materials

The storage, handling, or transport of regulated materials shall comply with all federal, state, and local regulations.

E. Fire and Explosion Hazards

Materials that present potential fire and explosion hazards shall be transported, stored and used only in conformance with all applicable federal, state, and local regulations.

F. Proper Drainage

The operation of any use in any district shall provide for adequate stormwater drainage of the site and shall be designed to prevent overloading the capacity of the drainage system, including the requirements of Article 23.

G. Litter Control

All non-residential uses are required to submit a litter abatement plan to the Sanitation Department for their review and approval.

H. Debris

The retention and removal of all construction and demolition related debris generated by permitted projects shall comply with Section 103 of the International Building Code as amended by the City of New Orleans.

21.4 USE OF LAND AND STRUCTURES

A. Number of Principal Buildings on a Lot

1. More than one (1) principal building is permitted per lot in the districts indicated in Table 21-1: Multiple Principal Structures.
2. In all districts where more than one (1) principal building is permitted on a single lot, each principal building shall comply with all yard and bulk requirements of the district as if it were a principal building on an individual lot.
3. All sites shall comply with the maximum density permitted by the underlying zoning district or overlay district, as applicable.
4. In the HU-RD1 and HU-RD2 Districts, more than one (1) principal building may be permitted on a lot of record provided that historical authentication can verify the historical existence of more than one (1) principal building on such lot, and provided further that such information can be properly documented to the Department of Safety and Permits and, when applicable, the Historic Districts Landmarks Commission. All such buildings and appurtenances require the approval of the Department of Safety and Permits and, when applicable, the Historic Districts Landmarks Commission.

TABLE 21-1: MULTIPLE PRINCIPAL BUILDINGS	
DISTRICT	MULTIPLE PRINCIPAL BUILDINGS PERMITTED
OPEN SPACE DISTRICTS	
All Districts	Yes
RURAL DEVELOPMENT DISTRICTS	
R-RE	No
M-MU	Yes
HISTORIC CORE DISTRICTS	
All Districts	Yes
HISTORIC URBAN DISTRICTS	
HU-RS	No
HU-RD1, HU-RD2	Yes, subject to Section 21.4.A.4
HU-RM1, HU-RM2	Yes
HU-B1A, HU-B1, HU-MU	Yes
SUBURBAN NEIGHBORHOOD DISTRICTS	
S-RS1, S-RD, S-LRS1, S-LRS2, S-LRS3, S-LRD1, S-LRD2	No
S-RM1, S-RM2, S-LRM1, S-LRM2	Yes
S-B1, S-B2, S-LB1, S-LB2, S-LC, S-LP, S-LM	Yes
COMMERCIAL CENTERS & INSTITUTIONAL CAMPUS DISTRICTS	
All Districts	Yes
CENTER FOR INDUSTRY DISTRICTS	
All Districts	Yes
CENTRAL BUSINESS DISTRICT DISTRICTS	
All Districts	Yes

B. All Activities Within an Enclosed Structure

Within all districts, all activities shall be conducted entirely within an enclosed structure, with the exception of the following activities and uses:

1. Off-street parking and loading, in accordance with Article 22.
2. Outdoor businesses, and those businesses with a required outdoor component, including, but not limited to, agriculture, public markets, outdoor amusement facilities, outdoor amphitheaters, restaurants and bars with outdoor seating, approved sidewalk cafes, car washes, contractor and outdoor storage yards, kennels, heavy retail sales, service and rental, heavy and maritime-dependent manufacturing, Marinas, maritime uses, marine terminals, truck terminals, and similar uses. However, the outdoor component of these businesses may be limited or prohibited as part of a conditional use approval, as applicable.
3. Permitted outdoor storage and outdoor sales and display areas.
4. Any temporary uses in Section 21.7 that are conducted outdoors.

C. Frontage on a Public or Private Street

All lots shall front on a public or private street.

D. Applicability of Bulk and Yard Requirements

All structures erected after the effective date of this Ordinance shall meet the bulk and yard requirements for the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the zoning district in which the structure is located, unless a variance is approved by the Board of Zoning Adjustments. Structures that are legally nonconforming as to the bulk and yard requirements may be maintained, structurally altered, or increased in cubical content, provided such alteration or increase in cubical content shall not further increase the extent of the nonconformance or permit an increase in the number of dwelling units.

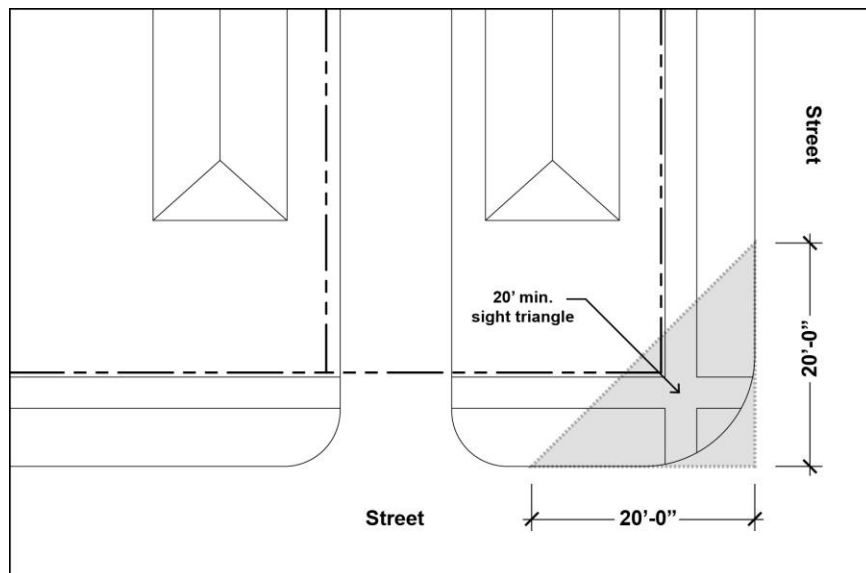
E. Applicability of Use Restrictions

No structure or land may be used for any use other than one allowed as either a permitted or conditional use in the zoning district in which such structure or land is located, unless additional uses are permitted as part of a planned development. Structures or land may also be used for a temporary use or accessory use, in accordance with the requirements of this Ordinance.

F. View Obstruction

The site clearance area at the intersection of two (2) streets is defined as a triangular area of a corner lot measured twenty (20) feet from the point of intersection of the two (2) streets measured along the curb line or edge of pavement where no curbs are present. The site clearance area shall not be obstructed by any sign, wall, fence, hedge, shrub, or other accessory structure or landscape that exceeds twenty-four (24) inches in height. Trees may be maintained within this area as long as there is no foliage within thirty-six (36) inches of the ground, as measured from the ground to the lowest foliage. In the event that the grade of a lot is higher than the street grade, the height of the wall, fence, hedge, or shrub shall be reduced so that the site clearance area is not obstructed twenty-four (24) inches over the grade of the street. (See [Figure 21-1: View Obstruction](#))

FIGURE 21-1: VIEW OBSTRUCTION



21.5 EXTERIOR LIGHTING

A. Light Trespass and Distraction

1. No exterior lighting may glare into, or upon, the surrounding area or any residential premises. In addition, no exterior lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public streets. The light level shall be no greater than one-half (0.5) footcandle at a residential property line and one (1) footcandle at any non-residential property line or public right-of-way line.
2. Specifically, the following types of light trespass are prohibited:
 - a. Any light not designed for roadway illumination that produces direct or reflected glare that could disturb the operator of a motor vehicle.
 - b. Any light that may be confused with, or construed as, a traffic control device, except as authorized by state, federal, or local government.

B. Unshielded Lighting

The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, are prohibited, except on a temporary basis in areas where approved carnivals, fairs, or similar activities are held and only when such activities are taking place.

C. Light Pole and Building-Mounted Lighting Heights

The maximum height of light poles on private property, such as in off-street parking lots, is specified below unless otherwise specifically permitted by this Ordinance. Maximum height is measured from grade at the base to the bottom of the luminaire. These standards do not apply to public right-of-way lighting.

1. Non-Residential Uses

- a. Light poles and building-mounted fixtures shall be designed with fully shielded luminaires. Such poles or mounts are limited to a maximum of eighteen (18) feet in height.
- b. Light poles for outdoor recreational facilities, including those that are part of an educational facility, are limited to a maximum of sixty (60) feet in height.
- c. Lighting mounted on a non-residential structure is limited to a maximum height of fifteen (15) feet as measured from the first floor elevation.

2. Residential Uses

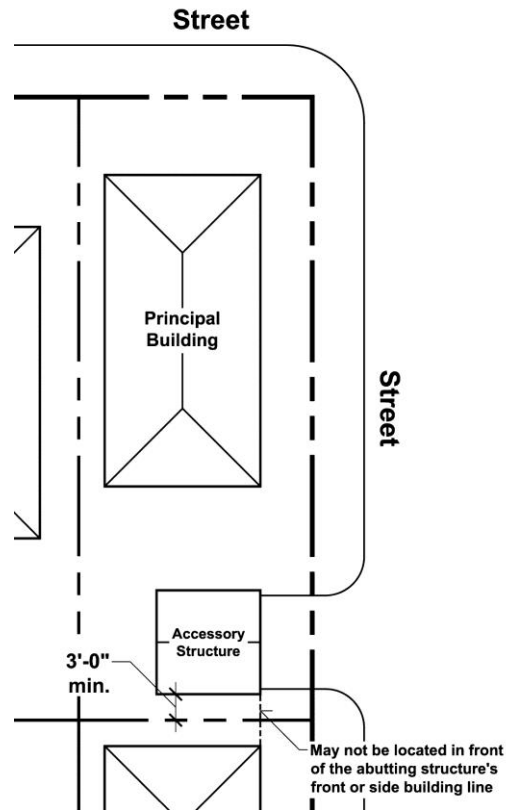
- a. Light poles for single- and two-family dwellings, including any accessory structures or uses on site, are limited to a maximum of eight (8) feet in height.
- b. Light poles for multi-family and townhouse dwellings, including any accessory structures or uses on site, are limited to a maximum of twelve (12) feet in height.
- c. Under-soffit lighting for a residential dwelling may be mounted to a maximum height of fifteen (15) feet as measured from the first floor elevation.

21.6 ACCESSORY STRUCTURES AND USES

A. General Application

1. All accessory structures and uses are subject to the requirements of this Section and the permitted encroachment regulations of Section 21.7 below. Additional accessory structures not regulated in this section may be regulated in Section 21.7.
2. Only those accessory structures permitted by this section or Section 21.7 are allowed to encroach into required yards.
3. The combined square footage of all detached accessory structures located in the required rear yard is limited to no more than forty percent (40%) of the required rear yard area.
4. Only one (1) detached accessory structure is permitted in a required interior side yard.
5. Accessory structures are permitted within the buildable area unless specifically prohibited by this section. In such cases, the limitation is indicated by language that states "permitted to locate only in..." or similar language, and a designation of the permitted yard or yards. When such location restriction is indicated, the yard indicated includes the area between the principal building wall located parallel to such yard and the lot line, which will include the minimum required yard area.
6. When detached accessory structures are located within a required yard, structures are limited to a maximum height of fourteen (14) feet, unless otherwise permitted or limited by this Ordinance. When detached accessory structures are located within the permitted buildable area, they are subject to the maximum height of the underlying zoning district.
7. Detached accessory structures shall be located a minimum of three (3) feet from any lot line, unless otherwise permitted or limited by this Ordinance. However, in the Historic Core and Historic Urban Neighborhood Districts, a detached accessory structure may be built on the interior side or rear lot line provided there is no existing structure on the adjoining lot located on or within three (3) feet of the common interior side or rear lot lines. The wall of the accessory structure built on a property line shall meet all standards of the fire code and shall include gutters to drain water away from the adjoining lot.
8. In the case of a corner lot, when an accessory structure is located in the rear yard and the rear yard abuts the interior side and/or front yard of a lot, the accessory structure shall be located three (3) feet from the rear lot line and in addition may not be located in front of the abutting structure's front or side building line. In such case, the accessory structure may encroach into the corner side yard but may not be located in front of the abutting structure's front or corner side building line. The front or corner side building line does not include any architectural features of the front façade. (See Figure 21-2: Accessory Structure on Corner Lot Setback)
9. No detached accessory structure may be constructed prior to construction of the principal building to which it is accessory.
10. No detached accessory structure may be used for habitation.
11. Any accessory structure that is no longer in use is considered abandoned and the owner shall remove the accessory structure. The City may ensure and enforce removal by means of its existing regulatory authority.

FIGURE 21-2: ACCESSORY STRUCTURE ON CORNER LOT SETBACK



B. Accessibility Ramp

1. Accessibility ramps are permitted in a required front, side, or rear yard.
 - a. Ramps within the front yard shall be designed to minimize encroachment into the required front yard.
 - b. Ramps may extend or project into a required rear yard without limitation.
2. Weather protection may be provided over the ramp and landing provided there is a two (2) foot distance between the awning or canopy and any lot line.

C. Amateur (HAM) Radio Equipment

1. Towers that solely support amateur (HAM) radio equipment and conform to all applicable performance standards are permitted to locate only in the rear yard and shall be located ten (10) feet from all lot lines. Towers may not exceed the maximum building height of the applicable district.
2. Antenna may be ground-, building-, or roof-mounted. Every effort shall be made to install radio antennae in locations that are not readily visible from neighboring properties or from the public right-of-way, excluding alleys.

3. If an applicant applies for a variance for an antenna or tower to exceed the height limitation, the applicant shall provide evidence that a taller tower and/or antenna is necessary to engage successfully in amateur radio communications. In addition, the applicant shall provide evidence that the tower and/or antenna is not a hazard to birds (i.e., minimal chance of bird strikes). Such tower and/or antenna shall conform to all applicable performance standards. As part of the application, the applicant shall submit a development plan showing the proposed location of the tower and/or antenna, as well as its relation to the principal building and any additional accessory structures.

D. Apiary

1. Apiaries are permitted to locate only in rear yards, and shall be located a minimum of five (5) feet from all lot lines and ten (10) feet from any dwelling.
2. One (1) bee colony is permitted per lot. An additional bee colony is permitted for each two-thousand (2,000) square feet of lot area above the first one-thousand five-hundred (1,500) square feet.
3. All bee colonies shall be kept in a removable frame hive in a sound and usable condition.
4. Where any colony is situated within twenty-five (25) feet of any lot line, as measured from the nearest point on the hive to the property line, a flyway barrier at least six (6) feet in height is required consisting of a dense vegetation, fence, solid wall, or a combination thereof, that is parallel to the property line and extends ten (10) feet beyond the colony in each direction to force bees to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary.
5. A convenient source of water shall be provided and available to the bees at all times during the year.
6. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, the beekeeper shall promptly re-queen the colony.

E. Aquaponics

1. Aquaponic facilities are permitted to locate only in rear yards, and shall be located a minimum of ten (10) feet from any lot line.
2. All aquaponic facilities shall be located within enclosed structures designed for holding and rearing fish, and containing adequate space and shade.

F. Bicycle Share Hubs

1. Accessory bicycle share hubs may be located on properties in any non-residential district.
2. Accessory bicycle share hubs shall be accessible from an adjacent public right-of-way. No accessory bicycle share hub shall be located behind a barrier, obstruction, screen, or other element that shields the facility from public view or prevents public access to the facility.

G. Boat Docks, Piers, and Wharves

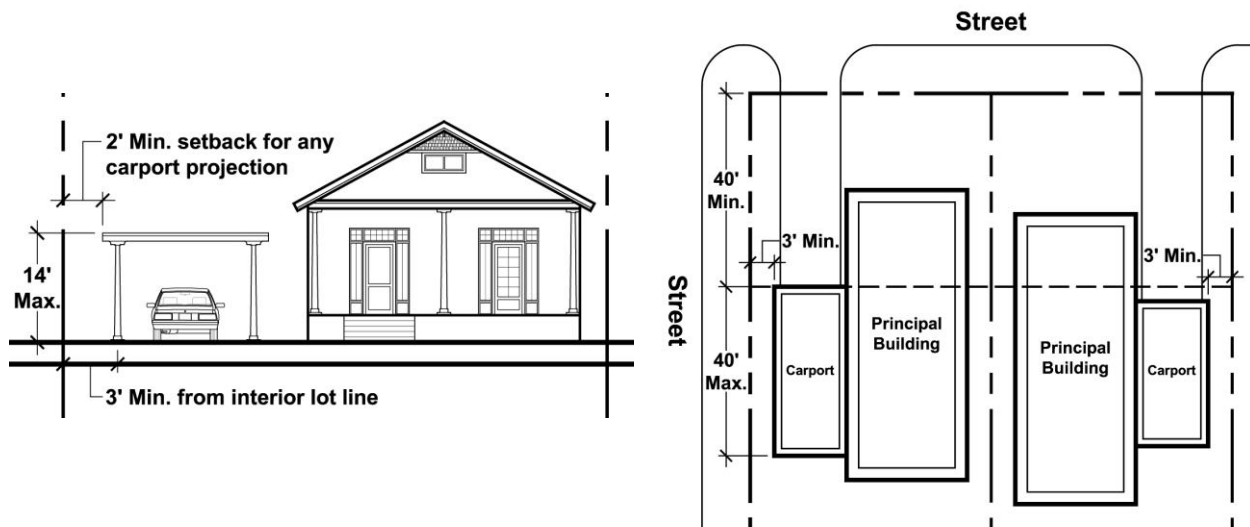
1. Projection of boat docks, wharves, and piers into waterways beyond the waterway line, lot lines, or established bulkhead lines, or the placing of mooring piles or buoys are limited by applicable ordinances of the City and regulatory agencies.

2. Groins (groynes), levees, bulkheads, pilings, breakwaters, and other similar structures shall be erected and maintained in accordance with applicable locations and construction standards of the City and other regulatory agencies.

H. Carport

1. A carport, whether attached to the principal building or as a detached structure, may be constructed in a required interior side and rear yard, subject to the requirements of Section 21.6.A.
2. A carport may be attached to an enclosed accessory building provided that no wall of such accessory building is less than forty (40) feet from the front lot line and the wall or open side of the carport is located no less than three (3) feet from the interior side lot line. (See [Figure 21-3: Carport](#))
3. Every part of the projection of such carport shall be at least two (2) feet from the interior side lot line. The length of a carport may not exceed forty (40) feet.
4. The height of any carport in a required yard may not exceed fourteen (14) feet.
5. A carport, whether attached to or detached from the principal building, shall be unenclosed on any interior side yard or corner side yard.

FIGURE 21-3: CARPORT



I. Chicken Coop

1. Chicken coops and runs shall meet the following standards:
 - a. Chicken coops and runs are permitted to locate only in the rear yard and shall be located at least ten (10) feet from all lot lines and ten (10) feet from any dwelling.

- b. The facility shall be kept in good repair, maintained in a clean and in a sanitary condition, and free of vermin, obnoxious smells, and substances. The facility shall not create a nuisance or disturb neighboring residents due to noise, odor, damage, or threats to public health.
 - c. The chicken coop and run shall be designed to ensure the health and well-being of the animal is not endangered by the manner of keeping or confinement.
 - d. The chicken coop and run shall be adequately lighted and ventilated.
2. No person may keep more than six (6) chickens on any property at one time.
 3. No commercial activity will result from the keeping of chickens on the property.
 4. Roosters are not permitted. However, if the gender of a chick cannot be determined at hatching, a chick of either gender may be kept on the property for no more than six (6) months.
 5. Chickens shall be kept in coops and fenced runs at all times. Chickens shall be kept in coops from dusk to dawn
 6. No storage of chicken manure is permitted within twenty (20) feet of any lot line. All chicken manure shall be removed from the property and disposed of properly.
 7. Slaughtering of chickens on-site is prohibited.

J. Collective Alternative Energy System

1. A community-based alternative energy system, such as solar, wind, or geothermal, is permitted to be shared by property owners or a neighborhood organization, homeowners association, or campus use.
2. Properties may share an alternative energy system, including permission to install equipment along all properties. All owners shall agree to such arrangement, and an agreement is recorded as "collective alternative energy servitude" on each plat of survey and access is granted to all participants to maintain equipment. A management plan shall be submitted and servitude recorded.
3. Collective alternative energy systems shall be built in accordance with accessory use standards for the particular type of energy system used, as described in this section.
4. Alternately, a collective alternative energy system may be constructed on a lot managed and owned by a homeowners association, institution, or similar organization. A management plan shall be submitted.

K. Columbarium

A columbarium is permitted as an accessory structure to places of worship located on a lot a minimum of twenty-thousand (20,000) square feet in area.

L. Crab Traps

In all residential districts, except the R-RE District, a maximum of ten (10) crab traps is permitted for the recreational use of the occupant(s) of the residence. There is no restriction on the number of crab traps in the R-RE District and other districts.

M. Electric Vehicle Charging Station

Electric vehicle charging is permitted as an accessory use in all parking lots and structures, as well as part of a gas station use. An electric vehicle charging station shall not be counted as a required vehicle parking space, but are subject to the yard restrictions for off-street parking in the underlying districts.

N. Fences and Walls

1. General Fence Requirements

Unless otherwise restricted by Paragraphs 2 and 3 below, all fences and walls are subject to the following regulations.

- a. Unless otherwise permitted or restricted by this Ordinance, a fence or wall may be located in any yard but may not exceed seven (7) feet in height. Fences in front yards shall be open fences.
- b. Unless otherwise permitted or restricted by this Ordinance, a fence or wall may be erected along a boundary between a residential, commercial, or mixed use district and an industrial district to a height not exceeding ten (10) feet.
- c. The height of fences or walls along common property lines in required side or rear yards shall be measured from grade. When grade differs between abutting properties, the height of the fence or wall shall be measured from the highest grade at the property line on either side of the property. In no case shall the total fence height exceed ten (10) feet. A building permit is required for all fences and walls exceeding seven (7) feet in height. (See Figure 21-4: Fences with Grade Differential)

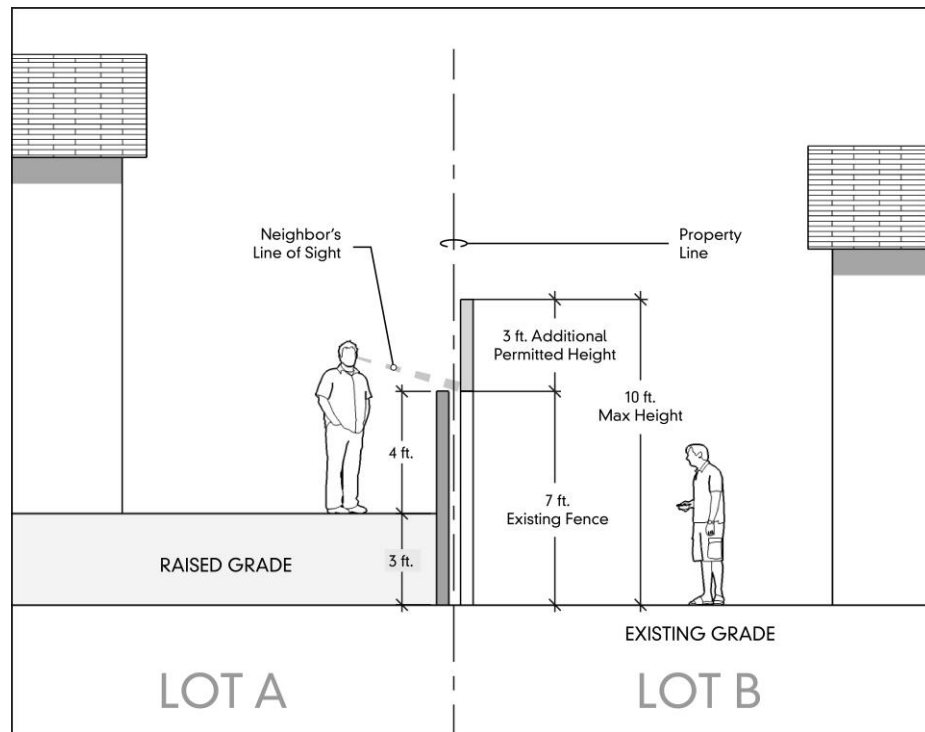
2. Height and Material Requirements in the S-LRS2 and S-LRD1 Districts

- a. The maximum height of a fence or wall in the Lake Vista area of the S-LRS2 and S-LRD1 Districts is as follows:
 - i. Front Yard: One and one-half (1.5) feet
 - ii. Side Yard - From the front building line to the front property line: One and one-half (1.5) feet
 - iii. Side Yard - From the front building line to the rear property line: Five (5) feet
 - iv. Rear Yard: Five (5) feet
- b. Fences and walls in the Lake Vista area of the S-LRS2 and S-LRD1 Districts shall be constructed of the following materials: iron, wood, wire, brick, stone, or any combination thereof.

3. Fence Requirements in Historic Districts

Fences in the historic districts are subject to the historic district regulations.

FIGURE 21-4: FENCES WITH GRADE DIFFERENTIAL



O. Flat Roof Features

1. Accessory rooftop features of a flat roof, such as green roofs, rooftop decks, rooftop pools, rooftop gardens, and stormwater detention systems are permitted below the parapet of any flat roof building or flat roof portion of a building, and are excluded from the calculation of height and gross floor area, provided that the following standards are met:

- a. Documentation shall be submitted demonstrating that the roof can support the additional load of plants, soil, and retained water, and that an adequate soil depth will be provided for plants to survive.

All planting materials and soils shall be of good quality and meet the American Standard for Nursery Stock (ASNS), latest edition, or equivalent for minimum acceptable form, quality and size for species selected. Vegetation shall be maintained in good condition, present a healthy, neat and orderly appearance, and be kept free of weeds, refuse and debris for the life of the building. Irrigation systems, when provided, shall be maintained in good operating condition to promote the health of the plant material and the conservation of water.

- b. The roof contains sufficient space for future installations, such as mechanical equipment, that will prevent adverse impacts.
- c. Rooftop decks or patios shall be set back five (5) feet from all building edges.
- d. Guardrails shall be set back at least five (5) feet from the building edge.

2. Within the CBD Districts, in addition to the accessory flat roof features provided above, elevator machine rooms, bathroom facilities, stair bulkheads, and elevator lobbies are permitted on any flat roof building or flat roof portion of a building, and are excluded from the calculation of height, stories and gross floor area, provided that the following standards are met:
 - a. Elevator machine rooms shall not exceed the minimum size necessary to house and service the equipment as specified by the equipment manufacturer. Elevator lobbies shall be limited to thirty-six (36) square feet in area per elevator opening. Collectively, elevator machine rooms, stair bulkheads, elevator lobbies and bathroom facilities shall not exceed fifteen percent (15%) of the area of the flat roof on which they are located.
 - b. Elevator machine rooms and elevator lobbies shall be limited to a height of fourteen (14) feet as measured from the roof surface.
 - c. Elevator machine rooms and elevator lobbies shall be set back from any building edge fronting an adjacent street by a distance not less than their respective heights.
3. Any of the following, if located on a rooftop, shall be included in the calculation of building height and number of stories:
 - a. Enclosed habitable space
 - b. Awnings
 - c. Pergolas
 - d. Trellises
 - e. Shade structures.

P. Garages, Attached and Detached

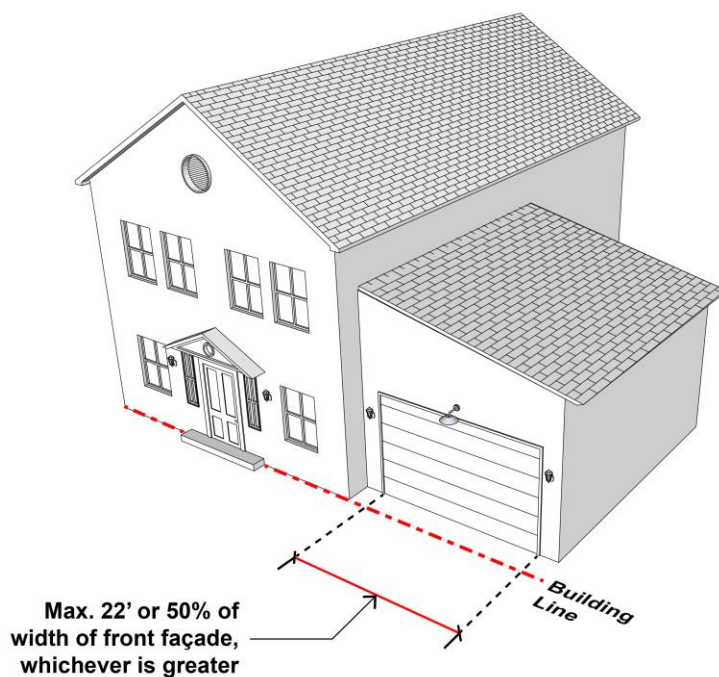
The following design standards apply to all residential garages. Attached garages are not considered an accessory structure (i.e., they are part of the principal structure) but are subject to the regulations of this section for attached garages.

1. Attached Garages

- a. Front-loaded attached garages shall not comprise more than twenty-two (22) feet in garage door width or fifty percent (50%) of the width of the front façade of the house, as measured along the building line that faces the street, whichever is greater. (See Figure 21-5: Garage Design)
- b. Windows, doors, and roof treatments of that part of the garage facing the street shall incorporate architectural detail expressive of a residence.
- c. Garage openings, windows, columns, trims, decorative paneling, and color shall de-emphasize the visual impact of the garage in relation to the building as a whole.
- d. Attached garages of elevated houses, as described in Paragraph 3 above, should follow the design guidelines for elevated dwellings in Appendix B.
- e. Attached garages in the S-LRS1 Lakeview Single-Family Residential District shall comply with the site design standards provided in Section 13.3.B.1.b.

FIGURE 21-5: GARAGE DESIGN

Attached Garage Design

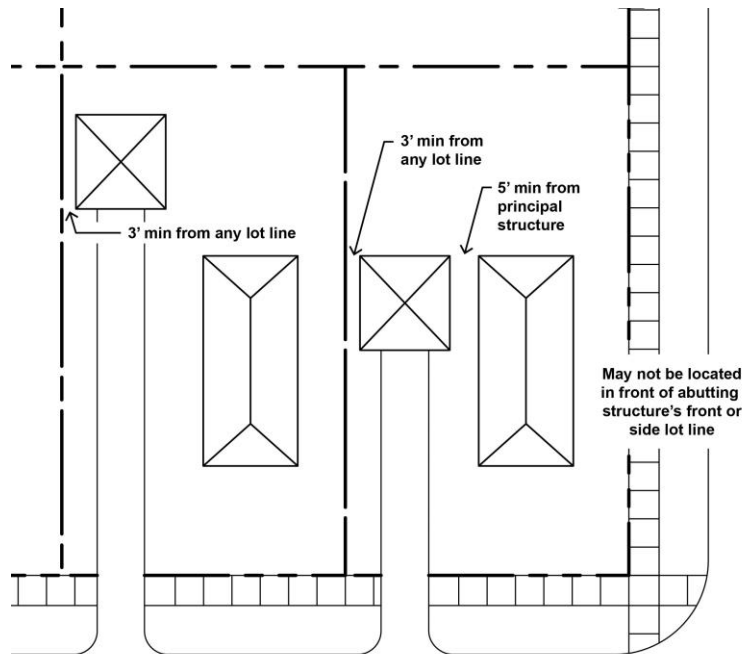


2. Detached Garages

- a. A detached garage is permitted in a required interior side or rear yard.
- b. A detached garage in a required yard is limited to sixteen (16) feet in height.
- c. The area above the vehicle parking spaces in a detached garage may be utilized for storage, but not living space. Kitchens and bedrooms are prohibited.
- d. A detached garage is limited to nine hundred (900) square feet in area.
- e. A detached garage may be constructed in a required interior side and rear yard, subject to the requirements of Section 21.6.A. (See [Figure 21-5](#))
- f. Detached garages shall be consistent with the architecture and design of the principal building. Consistency of design includes the use of the same palette of materials as the principal building, roofing, roof pitch, trim, and colors.

- g. Detached garages shall be located a minimum of five (5) feet from the principal structure on a lot. The distance is measured from the exterior walls of the structures.
- h. Attached garages in the S-LRS1 Lakeview Single-Family Residential District shall comply with the site design standards provided in Section 13.3.B.1.b.

Detached Garage Location



Q. Gazebo

1. Gazebos are permitted in the required rear yard.
2. The gazebo platform shall be no higher than four (4) feet above grade. Gazebos are limited to one-hundred twenty (120) square feet in area.
3. The gazebo shall be set back a minimum of three (3) feet from all lot lines and six (6) feet from any principal structure.

R. Home Occupation

A home occupation is an accessory use and is subject to the following requirements.

1. The home occupation shall be conducted entirely within the dwelling and shall be clearly incidental and secondary to the use of the dwelling for residential purposes. No home occupation may be operated in an accessory structure.
2. The home occupation is limited to fifteen percent (15%) of the floor area of the dwelling unit.
3. A home occupation may not be established prior to the member(s) of the family conducting the home occupation taking possession of, and residing in, the dwelling.

4. No person other than a resident of the dwelling may be employed as part of a home occupation.
5. Vehicular traffic and on-street parking shall not be increased beyond what normally occurs through residential usage.
6. The receipt, sale, or shipment of deliveries is not permitted on or from the premises, with the exception of regular U.S. Mail and/or an express shipping service that is characteristic of service to residential neighborhoods. Other types of truck deliveries are not permitted.
7. A home occupation shall not generate noise, solid waste, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in a residential use. No outside storage or display of materials, merchandise, inventory, or heavy equipment is permitted. No mechanical equipment is permitted, except that which is normally used for domestic or household purposes.
8. No stock, merchandise, or products may be displayed, stored, or sold on the premises.
9. No exterior alteration that changes the residential character of the principal building is permitted. A separate entrance from the outside of the building to the home occupation is prohibited.
10. A home occupation sign in accordance with Article 24 is permitted. Additional signs are prohibited.
11. Any type of motor vehicle service and repair, taxicab or other vehicle dispatch, or beauty salons are prohibited home occupations.
12. Day care homes are not considered a home occupation.
13. All home occupations require an occupational license.

S. Ice and Propane Storage Machines

Ice and propane storage machines may be located on the exterior of a structure in accordance with the section. All other vending machines, such as video rentals and change conversion machines, shall be located inside the principal building.

1. Ice and propane storage machines are permitted for commercial uses of two-thousand five-hundred (2,500) square feet or more of gross floor area. However, in the S-LB2 District ice and propane storage machines are permitted only for commercial uses of five-thousand (5,000) square feet or more of gross floor area.
2. Ice and propane storage machines shall be placed against the exterior of the principal building and cannot encroach into any public right-of-way or required yard, unless permitted in Paragraph 3 below.
3. Freestanding ice storage machine are permitted for commercial uses in the Commercial Center and Institutional Campus Districts. Freestanding ice storage machine are prohibited in the required front yard. Freestanding ice storage machines may be located in the required corner side, interior side, or rear yard but shall be three (3) feet from any lot line. No freestanding ice storage machine may be located within a required parking space.

4. The ice and propane storage machines shall be placed so that customers accessing these units do not block the public right-of-way.
5. Ice and propane storage machines shall not exceed nine (9) feet in height, five (5) feet in width and six (6) feet in length.
6. The only sign permitted is the word "ICE" or "PROPANE," as applicable. The size of the sign is limited to one (1) square foot in area.
7. The color of these units shall be unobtrusive. Ice or propane storage machines placed against the exterior of the principal building may be steel gray or neutral tones only. Freestanding ice storage machines shall be consistent with the architecture and design of the principal building. Consistency of design includes the use of the same palette of building materials as the principal building, trim, and colors.
8. The area surrounding the ice and propane storage machines shall be kept free of any junk, debris, or other material.

T. Mechanical Equipment

1. Ground-based mechanical equipment including, but not limited to, heating, ventilating, geothermal energy, and air-conditioning (HVAC) units, swimming pool equipment, and back-up electrical generators, may be located only in an interior side or rear yard and shall be located at least five (5) feet from a rear lot line and three (3) feet from any side lot line, where at least two (2) feet of that distance remains open to the sky. Ground-based mechanical equipment is prohibited in a front or corner side yard.
2. However, any existing ground-based mechanical equipment that does not comply with the location requirements as of the date of adoption of this Ordinance is considered legally conforming and may be replaced and repaired.
3. All approved ground-based mechanical equipment, including, but not limited to, HVAC units, shall be screened when readily visible from the public right-of-way, excluding alleys. Screening materials may be masonry, wood, or landscape, and shall effectively screen mechanical equipment so no portion is readily visible from that public right-of-way. Color and texture of a masonry wall shall be compatible with the color and texture of the principal building on the site. If ground-based mechanical equipment is screened by an existing structure, fence, or landscape, such that it is not readily visible from that public right-of-way, it will be considered to have met these requirements.
4. Ground-based mechanical equipment shall be constructed above base floor elevation (BFE), when applicable. If the equipment would be constructed so that it will be higher than a fence in the interior side yard, it may not be located within the interior side yard.
5. Any roof-mounted mechanical equipment shall be set back at least six (6) feet from any wall of the building to permit safe access to the roof and shall not be visible from the public right-of-way.

U. Multi-Family Dwelling Accessory Uses

The following types of accessory structures and uses are permitted within multi-family dwellings:

1. An office containing an area of not more than two percent (2%) of the gross floor area of the building and located in a main building for administration purposes. When such multi-

family dwelling is for permanent supportive housing, as defined by this Ordinance, it is exempt from this limitation on maximum office area.

2. Coin-operated vending machines, such as for candy, tobacco, ice, soft drinks, and sundries, inside a building with ten (10) or more dwelling units.
3. A retail goods establishment with no retail sales of packaged alcoholic beverages operated primarily for the convenience of occupants of a multiple-family dwelling containing fifty (50) or more dwelling units.
4. For multi-family dwellings of one-hundred (100) or more units, retail goods establishment, personal service establishments, and restaurants are limited to residents and their guests. Such commercial areas shall not exceed ten percent (10%) of the gross floor area of the building.

V. Murals

1. Application

- a. No person, firm, or corporation may commence a mural installation on a site without development plan and design review approval by the Executive Director of the City Planning Commission and the Design Advisory Committee in accordance with Section 4.5. A separate application is required for each mural on a site.
- b. Any structure within a local historic district or on a historically designated structure requires approval of the Historic District Landmarks Commission or Vieux Carré Commission prior to review by the Design Advisory Committee. If the Historic District Landmarks Commission or Vieux Carré Commission does not approve the mural, the mural is prohibited.

2. Required Submittals

- a. Building elevation drawn to scale that identifies:
 - i. The façade on which the mural is proposed.
 - ii. The location of existing and proposed murals.
 - iii. The mural dimensions.
 - iv. The height of the mural above grade.
 - v. The building eave/cornice and roofline.
- b. General drawing and written description of the type of mural (painted, mosaic, etc).
- c. If the mural is not painted directly on a wall surface, details showing how the mural is affixed to the wall surface.

3. Standards

- a. Murals are considered public art. Murals are not permitted to advertise any product, service or brand. No off-premise advertising is permitted. Non-commercial messages are permitted.

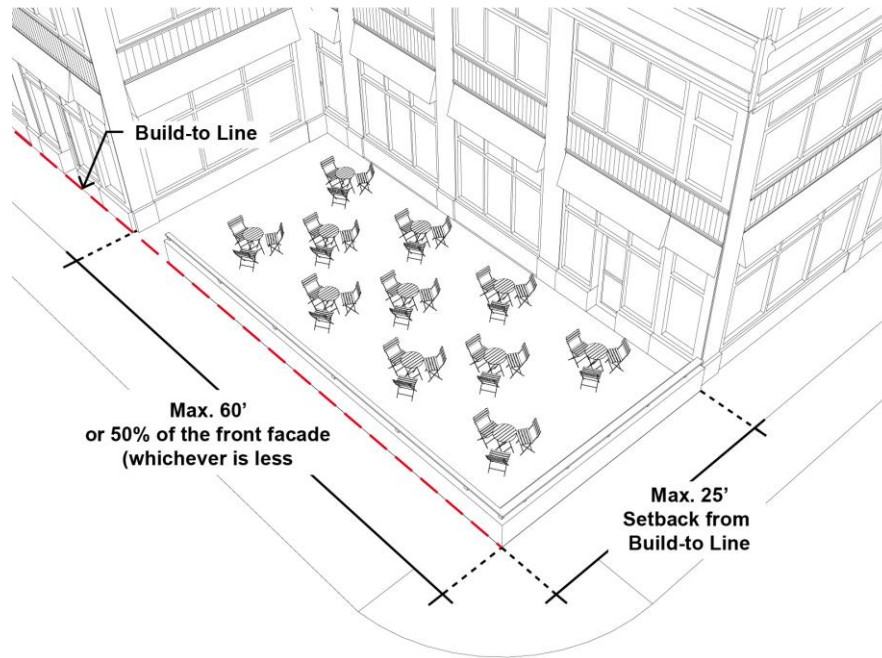
- b. Mural areas will not be painted on or obscure architectural features such as windows, doors (other than egress-only), pilasters, cornices, signs required by the City Code, or other building trim, feature bands, and other recessed or projecting features.
- c. Murals with any element that weighs more than seven (7) pounds per square foot, or in total weighs more than four-hundred (400) pounds require structural review and approval from the Director of the Department of Safety and Permits.
- d. Building owners are responsible for ensuring that a permitted mural is maintained in good condition and is repaired in the case of vandalism or accidental destruction.
- e. Muralists and building owners are encouraged to use protective clear top coatings, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed.

W. Outdoor Dining

Unless otherwise prohibited by City ordinances, outdoor dining is permitted as accessory to a bar or restaurant (all types) and a retail goods establishment that sells food products, such as a delicatessen, bakery, or grocery, but shall comply with the following standards:

1. Outdoor dining shall not interfere with pedestrian access or parking areas.
2. Outdoor dining is permitted in a required yard area, with the exception of any required yard area that abuts a residential district.
3. A distinct delineation shall be maintained between any public right-of-way and the outdoor dining area through the use of hardscape and architectural elements, such as a masonry wall, fence, planters, or bollards.
4. If outdoor seating areas are paved, the paving shall be permeable.
5. When a structure is required to be constructed at a build-to line, the structure may have up to fifty percent (50%) or sixty (60) linear feet of the front façade, whichever is less, designated as outdoor dining within a maximum setback of twenty-five (25) feet maximum from the required build-to line. (See Figure 21-6: Build-To Exception for Outdoor Dining)
6. Any outdoor dining areas located within the public right-of-way require a long-term grant of servitude from the Department of Property Management and shall comply with any City regulations for such encroachment.
7. On-site outdoor dining areas are included in calculation of parking requirements, where applicable.

FIGURE 21-6: BUILD-TO EXCEPTION FOR OUTDOOR DINING



X. Outdoor Sales and Display, and Outdoor Storage

1. Outdoor Sales and Display

Retail goods establishments and motor vehicle dealerships are permitted outdoor sales and display of merchandise, by either a storeowner or occupant, outside the store and within the same lot. Any lawfully existing retail goods establishment or motor vehicle dealership is permitted to display and sell its merchandise outdoors under the following conditions:

- a.** No sales and display area is permitted in any public right-of-way or located so as to obstruct pedestrian or vehicular traffic. No sales and display area is permitted in a required yard.
- b.** No required parking area may be used as an outdoor sales and display area.
- c.** The outdoor sales and display of automobile parts, such as tires, is prohibited.
- d.** Vending machines accessory to commercial uses, such as ice and propane storage machines and DVD vending machines, are regulated by Paragraph L above.

2. Outdoor Storage

The following uses are permitted outdoor storage: nursery, including the growing of plants in the open, heavy sales, rental, and service, motor vehicle dealership and rental establishment, motor vehicle operations facility, motor vehicle service and repair, minor or major, light, heavy, and maritime-dependent manufacturing, outdoor storage yards, and contractor storage yards. These uses are permitted outdoor storage in accordance with the following provisions:

- a. No outdoor storage is permitted in any public right-of-way or located so as to obstruct pedestrian or vehicular traffic. No outdoor storage is permitted in a required yard.
- b. All manufacturing, assembly, repair, or work activity shall take place inside an enclosed building. This does not apply to heavy industrial or maritime industrial uses that are typically conducted outdoors or have an outdoor component.
- c. No required parking area may be used as an outdoor storage.
- d. No materials stored or displayed outdoors may be of a greater height than that of the required screening, with the exception of storage of construction equipment.
- e. All outdoor storage shall comply with the screening requirements of Article 23.

Y. Pigeon Loft

1. Pigeons are permitted to be raised, maintained, and confined for non-commercial uses.
2. A maximum of twenty (20) pigeons over sixteen (16) weeks of age are permitted per lot. When pigeons under sixteen (16) weeks of age are also kept on the premises, a maximum of fifty (50) total pigeons is permitted.
3. Pigeon lofts, including fly pen, are permitted to locate only in the rear yard and shall be a minimum of ten (10) feet from all lot lines or dwelling. Pigeon lofts are permitted on rooftops only on multi-family dwellings over four (4) stories in height and with the permission of the property owner. When located on a rooftop, the pigeon loft shall be setback ten (10) feet from each building wall.
4. Pigeons shall be confined to the loft at all times except when released for necessary exercise, training or racing flights, with no more than fifty percent (50%) released at any one (1) time. Domestic pigeons are not allowed to linger on the property of others in such a way as to cause damage or otherwise prevent the full enjoyment and use of the property.
5. A pigeon loft, including fly pen, shall have a minimum of one and one-half (1.5) square feet of floor space per pigeon and is limited to a maximum of two-hundred forty (240) square feet in total area. That portion of the pigeon loft designated as the fly pen shall be constructed so that it faces the residence of the owner.
6. All pigeons shall be banded and identified by a band.
7. Management and sanitation practices shall be employed to prevent odors and pests.

Z. Pool House/Cabana

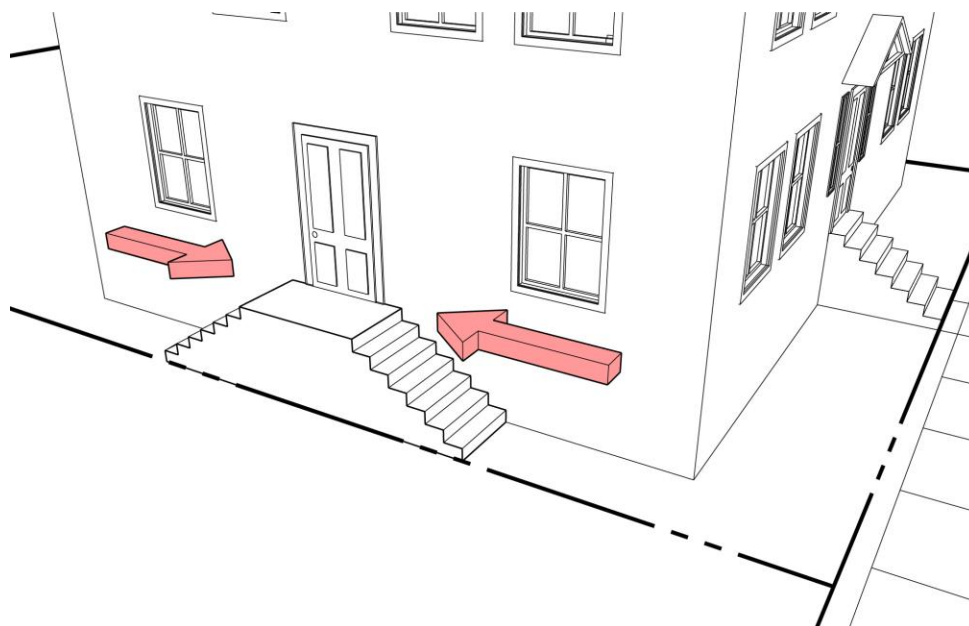
1. Construction of a pool shall be completed prior to or simultaneously with completion of the pool house/cabana.

2. Only one (1) pool house/cabana is permitted on a lot.
3. The total floor area of a pool house/cabana is limited to eight-hundred (800) square feet of the required rear yard area. A pool house/cabana within a required yard is limited to a height of sixteen (16) feet and one (1) story, and subject to the setback requirements.
4. A pool house/cabana is permitted in the required rear yard, subject to the area coverage limitations.
5. Kitchen and cooking facilities are prohibited. However, a wet bar may be provided, limited to the following features:
 - a. A counter area with a maximum length of seven (7) feet.
 - b. The counter area may include a bar sink and an under-counter refrigerator.
 - c. The counter area may include an overhead cupboard area not to exceed seven (7) feet in length.
 - d. No cooking facilities are permitted in the wet bar area.
6. A pool house/cabana may contain bathrooms.
7. Use of a pool house/cabana as temporary sleeping quarters or a dwelling unit is prohibited.

AA. Porches and Steps and Stoops

1. Uncovered porches, including attached steps, steps and stoops are permitted in all required yards. Uncovered porches, including attached steps, and steps and stoops may encroach up to six (6) feet into a required front yard, and into a required corner side or interior side yard but shall be located a minimum of two (2) feet from any side lot line.
2. However, when an existing dwelling is elevated, side steps and stoops may encroach into the entire width of a corner side or interior side yard if they meet the following standards:
 - a. The existing footprint of the dwelling is maintained. This does not include conforming rear additions with no extension of the side walls beyond the existing footprint.
 - b. Steps leading to the side door in the side yard are designed as pass-through staircases, with steps accessible from both the front and rear of the lot. (See [Figure 21-7: Pass-Through Stairs](#))
3. Within the Historic Core Districts, steps and stoops may encroach into the public right-of-way in keeping with the established development pattern. A long-term grant of servitude from the Department of Property Management is required for this type of encroachment.
4. Uncovered porches and steps and stoops are limited to a maximum height of five (5) feet above grade or the base flood elevation, if the structure is elevated, whichever is greater.
5. Uncovered porches and steps and stoops of elevated houses, as described in Paragraph 3 above, should follow the design guidelines for elevated dwellings in Appendix B.

FIGURE 21-7: PASS-THROUGH STAIRS



BB. Public Transit Wait Stations

Public transit wait stations shall be approved by the Department of Public Works to insure that:

1. Facilities are sited to avoid the creation of a potential hazard for adjacent streets, roadways, and/or driveways.
2. Facilities do not obstruct public sidewalks or pedestrian ways.
3. The design of public transit wait stations shall be approved by the Design Advisory Committee. In Vieux Carré Districts, approval by the Vieux Carré Commission is also required. In the local historic districts, approval by the Historic District Landmarks Commission is required.
4. General advertising signage shall not be permitted unless approved through the conditional use process.

CC. Satellite Dish Antennas

1. General Requirements

- a. Satellite dish antennas shall be permanently installed on a building, in the ground, or on a foundation, and may not be mounted on a portable or movable structure.
- b. Subject to operational requirements, the dish color shall be of a neutral color, such as white or grey, and blend with the surroundings as best as possible. No additional signs or advertising are permitted on satellite dish itself, aside from the logos of the satellite dish service provider or dish manufacturer.
- c. Cables and lines serving ground-mounted satellite dish antennas shall be located underground.

- d. Compliance with all federal, state, and local regulations is required in the construction, installation and operation of satellite dish antennas.
- e. All exposed surfaces of the antenna shall be kept clean and all supports painted to maintain a well-kept appearance. Antennas no longer in use shall be removed.

2. Small Satellite Dish Antennas (One Meter or Less in Diameter)

Small satellite dish antennas, which are one (1) meter or less in diameter, are subject to the general requirements of Paragraph 1 above. Every effort shall be made to install small satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.

3. Large Satellite Dish Antennas (One Meter or More in Diameter)

a. Residential Districts

- i. Large satellite dish antennas are permitted to locate only in the rear yard, and shall be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five (5) feet from any lot line.
- ii. The overall height of a large satellite dish antenna is limited to twelve (12) feet.
- iii. A large satellite dish antenna shall be located and screened so that it cannot be readily seen from public streets or adjacent properties. Screening includes fences, plant materials, and/or earth berms located to conceal the sides and rear of the antenna and its support structure. Plants shall be, at minimum, five (5) feet tall at the time of installation.

b. Non-Residential Districts

- i. Large satellite dish antenna are permitted to locate only in the rear or interior side yard, and shall be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five (5) feet from any lot line.
- ii. Roof-mounting is permitted only if the satellite dish antenna is in scale with the overall building mass and location, and shall be screened by an architectural feature. The visible portion of the dish should not comprise more than twenty-five percent (25%) of the corresponding height or width of the screen.
- iii. Ground-mounted satellite dish antenna shall provide screening, which includes fencing, berming, or landscape to accomplish the following:
 - (a) All ground-mounted accessory equipment and the lower part of the support structure shall be completely screened.
 - (b) Where feasible, trees shall be installed to the side and rear of the antenna and at a height/elevation equal to the tallest portion of the dish.

DD. Solar Energy System: Private

1. General Requirements

The installation and construction of a solar energy system is subject to the following development and design standards:

- a. A solar panel may be building-mounted or freestanding.
- b. Solar panels shall be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.
- c. All electrical interconnections to the grid shall conform to the National Electrical Code. Prior to issuance of a building permit, applications for grid-connected solar panels shall include a copy of an approved interconnection agreement with the local utility or a letter from the local utility indicating that an interconnection agreement is not required.
- d. Only manufacturer and equipment information, warning signs, or ownership information is allowed to be printed/imprinted on the panels.

2. Building-Mounted Systems

- a. A building mounted system may be mounted on the roof or wall of a principal building or accessory structure. (See Figure 21-8: Building-Mounted Solar Panels)
- b. On pitched roof buildings, the maximum height of a solar panel may rise is eighteen (18) inches. Pitched roof-mounted solar panels should be placed in a location least visible from the public street; however, this does not prohibit the installation of solar panels on a roof that may be visible when that exposure, particularly a southern exposure, is the most viable location. In those instances, solar panels shall be integrated into the structure as an architectural feature as described in Paragraph d below.
- c. On flat roofed buildings, the solar panel system is limited to a maximum height of six (6) feet above the surface of the roof.
- d. Solar panels may project from a building facade as follows.
 - i. May project up to two (2) feet from a facade.
 - ii. May encroach into a required side or rear yard, but no closer than five (5) feet to the side or rear property line.

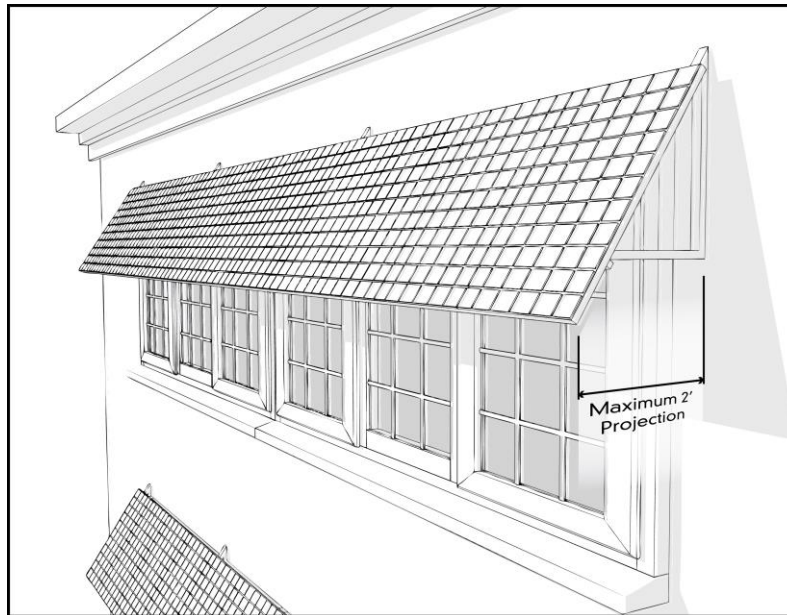
3. Freestanding Systems

A freestanding system is permitted to locate only in the interior side and rear yard, and shall be set back a minimum of five (5) feet from any lot line.

4. Co-Location

Solar panels may be co-located on communication towers, and parking lot and street light poles, in which case the height and setback requirements for said tower/pole apply.

FIGURE 21-8: BUILDING-MOUNTED SOLAR PANELS



EE. Swimming Pools

1. Swimming pools are permitted to locate only within a required rear or interior side yard and must be four (4) feet from any lot line.
2. Adequate handrails shall be provided for pool entry and exit.
3. Every swimming pool shall be protected by a safety fence or barrier of at least six (6) feet. A walk space at least three (3) feet in width shall be provided on two (2) sides or fifty percent (50%) of the exterior of the pool, whichever is greater, between the pool walls and protective fences or barrier walls.

FF. Truck Marshalling Yard

1. Truck marshalling yards are permitted as an accessory use to the following principal uses:
 - a. Arena
 - b. Convention center
 - c. Fairgrounds
 - d. Light manufacturing in the Center for Industry Districts
 - e. Heavy manufacturing in the Center for Industry Districts
 - f. Maritime manufacturing in the Center for Industry Districts
 - g. Racetrack
 - h. Stadium

2. A truck marshalling yard shall be located on the lot and serve the use where the yard is located.
3. No truck marshalling is permitted on public rights-of-way.

GG. Water Feature

1. Water features shall not be designed for any swimming, wading, or recreational use.
2. Water features are limited to a maximum depth of eighteen (18) inches.
3. The maximum size of a single container feature is limited to one hundred (100) square feet. The maximum size of a multiple container feature is limited to two hundred and fifty (250) square feet total.
4. A water feature shall be located a minimum of three (3) feet from all lot lines.
5. Re-circulating water systems shall be used for water features.
6. Recycled water shall be used as the water source for decorative water features when available.

HH. Wind Turbines: Private

Private wind turbines are subject to the following requirements.

1. Private wind turbines are subject to the following height restrictions:
 - a. The maximum height of any ground-mounted wind turbine is sixty-five (65) feet or twenty (20) feet above the tree line, whichever is greater.
 - b. The maximum height of any wind turbine mounted upon a structure is fifteen (15) feet above the maximum permitted height for such structure. However, the maximum height of any wind turbine mounted upon a single-family or two-family dwelling is the height limit of the applicable zoning district.
 - c. Maximum height is the total height of the turbine system including the tower, and the maximum vertical height of the turbine blades. Maximum height therefore is calculated measuring the length of a prop at maximum vertical rotation to the base of the tower. The maximum height of any ground-mounted wind energy system is measured from grade to the length of a prop at maximum vertical rotation.
 - d. No portion of exposed turbine blades (vertical access wind turbine) may be within twenty (20) feet of the ground. Unexposed turbine blades (horizontal access wind turbine) may be within ten (10) feet of the ground.
2. Ground-mounted wind turbines are permitted to locate only in the rear yard. No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site. The system tower shall be set back from all lot lines equal to the height of the system. No principal buildings may be located within this area.
3. All wind turbines shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

4. Wind turbines may not exceed sixty (60) dBA, as measured at the lot line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
5. Wind turbines shall be approved by a small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. Non-certified residential wind turbines shall submit a description of the safety features of the turbine prepared by a registered mechanical engineer to the Director of the Department of Safety and Permits as part of the building permit.
6. Wind turbines shall comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
7. Building permit applications for wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to all electrical codes.

21.7 PERMITTED ENCROACHMENTS INTO REQUIRED YARDS

An encroachment is the extension or placement of any attached or detached accessory structure or architectural feature into a required yard. Unless otherwise permitted or limited by this section or Section 21.6, permitted encroachments are subject to the general regulations of Section 21.6.A. Additional restrictions on certain permitted encroachments, including additional yard requirements and bulk regulations, as well as additional permitted accessory structures, can be found in Section 21.6 (Accessory Structures and Uses) above and may be referenced within the following table. Permitted encroachments are found in Table 21-2: Permitted Encroachments into Required Yards.

TABLE 21-2: PERMITTED ENCROACHMENTS INTO REQUIRED YARDS Y= PERMITTED // N= NOT PERMITTED			
TYPE OF ENCROACHMENT INTO REQUIRED YARD	YARD		
	FRONT YARD, CORNER SIDE YARD	INTERIOR SIDE YARD	REAR YARD
Accessibility Ramp - Subject to Section 21.6.B	Y	Y	Y
Air Conditioner Window Unit - No more than 18" into any required setback	Y	Y	Y
Amateur (HAM) Radio Antenna - Subject to Section 21.6.C	N	N	Y
Apiary - Subject to Section 21.6.D	N	N	Y
Aquaponics - Subject to Section 21.6.E	N	N	Y
Arbor	Y	Y	Y
Awning – All Districts Except Historic Core - Shall be at least 2' from any lot line - No more than 5' into a required yard - Minimum clearance of 8'	Y	Y	Y
Awning – Historic Core Districts - Shall be at least 2' from any lot line - No more than 5' into a required yard - Minimum clearance of 8' - May encroach into the right-of-way with a long-term lease of servitude from the Dept. of Property Management	Y	Y	Y

TABLE 21-2: PERMITTED ENCROACHMENTS INTO REQUIRED YARDS
Y= PERMITTED // N= NOT PERMITTED

TYPE OF ENCROACHMENT INTO REQUIRED YARD	YARD		
	FRONT YARD, CORNER SIDE YARD	INTERIOR SIDE YARD	REAR YARD
Balcony and Gallery – All Districts Except Historic Core - Shall be located at least 2' above ground - No more than 4' into a required yard	Y	Y	Y
Balcony and Gallery – Historic Core Districts - Shall be located at least 2' above ground - May encroach into the right-of-way with a long-term lease of servitude from the Dept. of Property Management	Y	Y	Y
Bay Window - No more than 3' into required yard	Y	Y	Y
Boat Docks, Piers & Wharves - Subject to Section 21.6.G	N	N	Y
Carport - Subject to Section 21.6.H	N	Y	Y
Chicken Coop - Subject to Section 21.6.I	N	N	Y
Cistern & Rain Barrel - Shall be 2' from any lot line	Y	Y	Y
Chimney - No more than 18" into a required yard	Y	Y	Y
Compost Pile - Located only in rear yard - 5' from any lot line	N	N	Y
Deck - No higher than 18" above grade - No more than 10' into required rear yard	N	Y	Y
Driveway	Y	Y	Y
Eaves - Maximum of 5' into a required yard - 2' from any lot line except in Historic Core Districts - 1' from any lot line in Historic Core Districts	Y	Y	Y
Exterior Insulation on Existing Structure – All Districts Except Historic Core - Shall be at least 2' from any lot line - Maximum thickness of 8"	Y	Y	Y
Exterior Insulation on Existing Structure – Historic Core Districts - Shall be at least 2' from any lot line - Maximum thickness of 8" - May encroach into the right-of-way with a long-term lease of servitude from the Dept. of Property Management	Y	Y	Y
Fire Escapes - No more than 5' into required yard	Y, only when only feasible location	Y	Y
Fences and Walls - Subject to Section 21.6.N	Y	Y	Y
Flagpole - No more than 3 per zoning lot in residential districts - Not to exceed 30' in height	Y	N	Y
Garage (Detached) - Subject to Section 21.6.P	N	Y	Y
Gazebo - Subject to Section 21.6.Q	N	N	Y
Mechanical Equipment, Ground-Mounted - Subject to Section 21.6.T	N	Y	Y

TABLE 21-2: PERMITTED ENCROACHMENTS INTO REQUIRED YARDS
Y= PERMITTED // N= NOT PERMITTED

TYPE OF ENCROACHMENT INTO REQUIRED YARD	YARD		
	FRONT YARD, CORNER SIDE YARD	INTERIOR SIDE YARD	REAR YARD
Ornamental Lighting, Lamp Posts, & Lawn Decorations (Benches, statues, birdbaths, sculptures, etc.) - Subject to exterior lighting regulations of Section 21.5	Y	Y	Y
Outdoor Dining - Subject to Section 21.6.W	Y	Y, unless abutting residential district	Y, unless abutting residential district
Outdoor Fireplaces - Located in the rear yard only and 10' from all lot lines	N	N	Y
Parking Pad - Subject to Article 22	N	Y	Y
Patio/Terrace - No more than 6' into any required yard	Y	Y	Y
Pigeon Loft - Subject to Section 21.6.Y	N	N	Y
Pool House/Cabana - Subject to Section 21.6.Z	N	N	Y
Porch, Uncovered - Subject to Section 21.6.AA	Y	Y	Y
Porch, Enclosed	N	N	N
Recreational Equipment - Does not include equipment located on park/playground, educational facility or day care center - Located 5' from any lot line - Basketball standards & backboards are exempt from these restrictions & permitted in all yards	N	Y	Y
Satellite Dish Antenna (1 meter or less in diameter) - Subject to Section 21.6.CC	Y	Y	Y
Satellite Dish Antenna (More than 1 meter in diameter) - Subject to Section 21.6.CC	N	N – Residential Districts Y – Non-Residential Districts	Y
Sidewalk & Private Walkway	Y	Y	Y
Sills, belt course, cornices & ornamental features of the principal structure - Maximum of 5' into a required yard & 2' from any lot line	Y	Y	Y
Solar Screen – All Districts Except Historic Core - Shall be at least 2' from any lot line - Maximum projection of 2' 6" - 30% maximum coverage of façade from which they project	Y	Y	Y
Solar Screen – Historic Core Districts - Shall be at least 2' from any lot line - Maximum projection of 2' 6" - 30% maximum coverage of façade from which they project - May encroach into the right-of-way with a long-term lease of servitude from the Dept. of Property Management	Y	Y	Y
Solar Energy System: Private – Freestanding - Subject to Section 21.6.DD	N	Y	Y
Steps & Stoops - Subject to Section 21.6.AA	Y	Y	Y
Swimming Pool - Subject to Section 21.6.DEE	N	Y	Y

TABLE 21-2: PERMITTED ENCROACHMENTS INTO REQUIRED YARDS Y= PERMITTED // N= NOT PERMITTED			
TYPE OF ENCROACHMENT INTO REQUIRED YARD	YARD		
	FRONT YARD, CORNER SIDE YARD	INTERIOR SIDE YARD	REAR YARD
Tennis Court/Game Court - Located in the rear yard only	N	N	Y
Water Feature - Subject to Section 21.6.GG	N	N	Y
Wind Turbine (Private) - Subject to Section 21.6.HH	Y	Y	Y

21.8 TEMPORARY USES

This section regulates temporary uses conducted on private property. Temporary uses that occur on public right-of-way are subject to the applicable regulations of the City Code.

A. Temporary Use Permit Application

1. Any person, firm, or corporation desiring to obtain a temporary use permit, as required by this Ordinance, shall file an application on a form provided by the City with the Director of the Department of Safety and Permits, who may issue the temporary use permit. Unless specifically exempted by this section, all temporary uses require a temporary use permit.
2. The Director of the Department of Safety and Permits reviews and approves temporary use permits. The Director shall determine that the proposed use complies with the requirements of this section and this Ordinance. Unless permitted by this section, every temporary use or structure shall comply with the bulk requirements of the zoning district in which it is located.
3. Every temporary use shall comply with this Ordinance and all local regulations. The Director of the Department of Safety and Permits may impose additional conditions as part of the temporary use permit approval to achieve the purposes of this Ordinance and to protect the public health, safety and welfare. No temporary use is permitted in any district if it would have a significant negative impact on any adjacent property or on the area as a whole.
4. In addition, the Director of the Department of Safety and Permits may require an occupational license for a temporary use.

B. General Provisions

Every temporary use shall comply with all the requirements listed below.

1. A temporary use that causes, or threatens to cause, an on-site or off-site threat to the public health, safety, and welfare is prohibited.
2. Every temporary use shall be operated in accordance with such restrictions and conditions as the Fire Department may require. If required by the City, the operator of the temporary use shall employ appropriate security personnel.

3. No temporary use is permitted if the additional vehicular traffic reasonably expected to be generated by such use would have undue detrimental effects on surrounding streets and uses. No temporary use may block handicapped or fire lanes.
4. No temporary use is permitted that would unreasonably reduce the amount of parking spaces available for use in connection with the permanent use or uses located on the lot in question. The Director of Department of Safety and Permits may make an assessment of the total number of parking spaces that will be reasonably required in connection with a proposed temporary use, on the basis of the particular use, its intensity and the availability of other parking facilities in the area. The Director of Department of Safety and Permits will approve the temporary use only if such parking spaces are provided.
5. No temporary use is permitted if it conflicts with another previously authorized temporary use for the same timeframe.

C. Permitted Temporary Uses

TABLE 21-3: PERMITTED TEMPORARY USES				
PERMITTED TEMPORARY USE	DISTRICT	TIMEFRAME	HOURS OF OPERATIONS	TEMPORARY USE STANDARDS
Carnival/Circus	Non- Residential			Section 21.8.C.1
Contractor Trailers, Construction Refuse Containers, and Real Estate Model Units (Temporary)	Permitted in any Zoning District when on used in conjunction with construction operations on the same site where building permit is valid			Section 21.8.C.9
Farmers Markets (Temporary)	Any Zoning District	Max of one (1) event per week per premise	7:00 a.m. to 8:00 p.m.	Section 21.8.C.3
Garage/ Yard Sales	Any Zoning District	Max of three (3) consecutive days, with no more than three (3) consecutive sales events in any twelve (12) month period.		Section 21.8.C.5
Holiday Sales Lots (Temporary)	Any Zoning District	Max. Of forty five (45) days		Section 21.8.C.2
Mobile Food Trucks	Non- Residential		Sunday through Thursday: 6:00 a.m. to 10:00 p.m.; Friday and Saturday: 6:00 a.m. to 12:00 a.m.	Section 21.8.C.4
Outdoor Entertainment Events (Temporary)	Outdoor Space – Public or Private property	Max of three (3) consecutive days per event, max of eight (8) events per calendar year		Section 21.8.C.7

TABLE 21-3: PERMITTED TEMPORARY USES				
PERMITTED TEMPORARY USE	DISTRICT	TIMEFRAME	HOURS OF OPERATION	TEMPORARY USE STANDARDS
Parking Lots (Temporary)	Any Zoning District where special events are permitted	Duration of the event, and an additional two (2) days before and two (2) days after the special event		Section 21.8.C.10
Public Markets (Temporary)	Any Zoning District	Max of one (1) event per week per premise	7:00 a.m to 8:00 p.m.	Section 21.8.C.6
Reviewing Stands (Temporary)	Private property within any Zoning District along Parade Routes	Carnival Season		Section 21.8.C.11
Sno-Ball Stand	Any Zoning District where restaurants are permitted	April 1 st to October 31 st		Section 21.8.C.8
Storage Containers (Temporary)	Any Zoning District	Residential: Maximum of fourteen (14) days Non- Residential: Maximum of seventy-two (72) hours		Section 21.8.C.12
Telecommunications Cell on Wheels(COW) (Temporary)	Any Zoning District	Declaration of Emergency: Maximum of ninety (90) days Community Event: Maximum of ninety (90) days		Section 21.8.C.13

1. Carnival/Circus

Carnivals/circuses are permitted in any non-residential zoning district, and shall be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties. These uses are not required to comply with the district yard and height requirements of this Ordinance. The concessionaire responsible for the operation of any such use shall:

- a. Submit, in advance of the event, a site layout displaying adequate ingress and egress routes for emergency vehicles with no dead-end aisles.
- b. Comply with all local regulations.
- c. Provide refuse containers in the number and locations required by the City. All containers shall be properly serviced.
- d. Provide for thorough clean-up of the site at the completion of the event.
- e. Provide proof that all amusement devices have been inspected by the proper authority.

- f. Upon written notice from the City, immediately stop the use of any amusement device or structure found by the City to pose a threat to the public safety.

2. Holiday Sales Lots (Temporary)

Holiday sales lots, such as Christmas tree sales and pumpkin sales patches, are permitted as part of a non-residential use in any zoning district and shall be evaluated based on the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact on other properties. These uses are limited to a forty-five (45) day timeframe.

3. Farmers Markets (Temporary)

- a. The sale of food for consumption on or off the premises will require licensing by the City and approval by the Department of Health.
- b. The sale of firearms, adult retail goods, and sexually-oriented devices are prohibited
- c. The retail sale of packaged alcoholic beverages is only allowed where such use is allowed as a permitted use in the zoning district in which the farmers market is located.
- d. Hours of operation are limited to 7:00 a.m. to 8:00 p.m., with farmers market hours of operation open to the public not to exceed five (5) total hours, not including time for set-up and take down.
- e. An established litter abatement program is required for approval and permitting.
 - 1. Size restrictions must be consistent with the retail sales size restrictions in the base zoning district, if applicable.
 - 2. Farmers market facilities cannot protrude onto the public right of way.
 - 3. Farmers markets are limited to one (1) event per premises per week.

4. Mobile Food Truck

These standards regulate mobile food trucks located on private property. The following standards apply:

- a. Mobile food trucks are permitted in any non-residential zoning district.
- b. If the mobile food truck operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner shall be submitted as part of the temporary use permit application.
- c. All mobile food trucks shall be registered in the State of Louisiana. Any driver of a mobile food truck shall possess a valid Louisiana Driver's License.
- d. All mobile food vendors shall comply with all other applicable conditions and requirements imposed under the law, and shall comply with all applicable City and State health laws and regulations. All sales tax returns and other reports required by the City Code shall be provided to the appropriate City departments as required.
- e. No mobile food vendor shall sell goods, wares, or other items of merchandise other than victuals.

- f. Sale of alcoholic beverages is prohibited.
- g. The hours of operation for a mobile food truck shall be between the hours of 6:00 a.m. and 8:00 p.m., unless a later closing hour is approved as part of the temporary use permit.
- h. During business hours, the permit holder shall provide a trash receptacle on-site for customer use and shall keep the area clear of litter and debris at all times. The trash receptacle shall be large enough to contain all refuse generated. Mobile food vendors are responsible for all cleaning all refuse and debris on-site and within a fifty (50) feet radius.
- i. No mobile food vendor shall operate any horn, sound amplification system, or other sound-producing device or music system that can be heard outside the mobile food truck when such food truck is being operated on-site.
- j. Outdoor seating may be provided on-site, but no seating may be permanently installed and shall be removed when food is not served and when the mobile food truck is not on-site.
- k. A permanent water or wastewater connection is prohibited. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator. Discharge into the Municipal Separate Storm Sewer System (MS4) is prohibited.
- l. Drive-through service is prohibited.
- m. A mobile food truck is limited to signs attached to the exterior of the truck or trailer that shall be mounted flat against the truck or trailer with a maximum projection of six (6) inches, and one (1) A-frame sign. Signs may only identify the name of the product, product process, and/or name of the vendor.
- n. A mobile food truck located within an accessory off-street parking lot that operates during the same hours as the principal use may only occupy up to a maximum of ten percent (10%) of the parking spaces of such lot, including the vehicle, seating areas, and trash receptacles.
- o. In non-residential zoning districts, if the principal use is closed, or the parking spaces in the lot are non-accessory and not providing required parking spaces for another use, mobile food trucks may operate five (5) days per week, requiring four (4) spaces per truck, in compliance with the standards of Section 21.8, Temporary Uses, 21.8.C.4 and their temporary use permit. If occupying a vacant lot, one thousand (1,000) square feet per truck is required.

5. Garage/Yard Sales

Garage/yard sales are allowed in any zoning district, but only when limited to personal possessions of, or arts and crafts made by, the owner or occupant of the dwelling unit where the sale is being conducted. These uses are limited to a period not to exceed three (3) consecutive days and no more than three (3) sales from the same residence in any twelve (12) month period.

6. Public Markets (Temporary)

- a. Hours of operation are limited to 7:00 a.m. to 8:00 p.m., unless otherwise extended by the provisions of an overlay zoning district.
- b. All size restrictions shall be consistent with the retail sales size restrictions in the zoning district, if applicable.
- c. No portion of a public market may encroach onto the public right-of-way or be placed in such a way that requires customers to occupy the sidewalk or the public right-of-way.
- d. The sale of food for consumption on or off the premises requires licensing by the City and approval by the Department of Health.
- e. The sale of firearms, adult retail goods, and sexually-oriented devices is prohibited.
- f. The retail sale of packaged alcoholic beverages is only allowed where such use is allowed as a permitted use in the zoning district in which the public market is located, or when approved through the conditional use process where such use is a conditional use in the zoning district where the public market is located.
- g. Public markets are limited to one (1) event per premises per month.

7. Temporary Outdoor Entertainment Events

A temporary live entertainment event, such as the performance of live music, revue, or play within outdoor space may be allowed on public or private property. The following standards apply to this temporary use. This does not include temporary reviewing stands, which are regulated separately.

- a. A management plan is required for review by the Director of Safety & Permits as part of the temporary use permit application that demonstrates the following:
 - i. The on-site presence of a manager during the event.
 - ii. General layout of performance areas, visitor facilities, such as seating areas and restrooms, and all ingress and egress points to the site.
 - iii. Provision for recycling and waste removal.
 - iv. The days and hours of operation, including set-up and take-down times.
 - v. A description of crowd control and security measures.
- b. Temporary outdoor entertainment events are limited to eight (8) events per calendar year and a maximum duration of three (3) days per event.

8. Sno-Ball Stand

Sno-ball stands are permitted in any district where any restaurant use is permitted. Permanent seating is prohibited. Sno-ball stands are limited to a maximum floor area of three-hundred (300) square feet. Sno-ball stands may be operated on a seasonal basis between April 1st and October 31st.

9. Temporary Contractor Trailers, Construction Refuse Containers, and Real Estate Model Units

- a.** Temporary contractor trailers used in conjunction with construction operations are permitted when temporary facilities are located on the same site as the development and the building permit is valid. However, temporary facilities may be located on an adjoining site provided the zoning classification of the adjoining site is the same as or less restrictive than the zoning classification of the site being developed. Temporary facilities shall be removed upon completion or abandonment of such construction or two (2) years from the date of the temporary facilities were erected, whichever comes first.
- b.** Construction refuse containers used in conjunction with construction operations are permitted when the containers are located on the same site as the development and while the building permit is valid. Construction refuse containers shall be removed upon completion or abandonment of such construction. Construction refuse containers shall be located entirely on private property and may not block any means of access to the site. Construction refuse containers located on the public right-of-way are subject to the regulations of the City Code.
- c.** Real estate model units, including temporary real estate offices, for the sale of improved or unimproved lots in a residential subdivision are permitted for two (2) years from the date they were erected. However, temporary offices may continue beyond the two (2) year limitation until such time as the developer owns ten (10) lots or less in the subdivision, provided that a certificate of occupancy is obtained each year, and the developer attests to ownership of more than ten (10) lots at the time the application is filed. The certificate is valid for one (1) year from the date of issuance, even if the number of lots owned by the developer is reduced to ten (10) or less lots during that time period.

10. Temporary Parking Lots

Temporary parking lots are permitted in any district for special events, and, in addition to operation during the special event, may only be operated two (2) days before and two (2) days after the special event. Temporary parking lots shall be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties. A site layout displaying adequate ingress and egress routes for all vehicles shall be submitted in advance of the event. No dead-end aisles are permitted. Temporary parking lots do not need to be paved.

11. Temporary Reviewing Stands

Temporary reviewing stands located on private property are permitted with a temporary use permit subject to the following standards. Temporary reviewing stands located in the public right-of-way are subject to the standards of the City Code.

- a.** Temporary reviewing standards are permitted only during the carnival parade season and shall be located on the carnival's parade route.
- b.** No more than one (1) reviewing stand is permitted per lot and shall be located entirely on the lot.

- c. Temporary reviewing stands shall not interfere with passage within the public right-of-way.

12. Temporary Storage Containers

- a. Temporary storage containers are permitted in any zoning district when used for loading or unloading. Containers are permitted on site for a period not to exceed fourteen (14) days for residential uses and seventy-two (72) hours for non-residential uses, or as there is an active building permit. No temporary use permit is required.
- b. Temporary storage containers used for permanent storage are prohibited. Containers may not be permanently attached to the ground, serviced with permanent utilities or stacked on the site. The use of shipping containers as a temporary storage container is prohibited.

13. Temporary Telecommunications Cell on Wheels (COW)

- a. A temporary telecommunications cell on wheels (COW) may be placed in any zoning district for a maximum of ninety (90) days following a declaration of emergency by the city or state. This ninety (90) day time limitation may be extended by the City Council. A temporary use permit is not required.
- b. A temporary telecommunications cell on wheels (COW) may be placed in any zoning district for a maximum of ninety (90) days to serve an event, such as, but not limited to, Mardi Gras, French Quarter Festival, Super Bowl, Final Four, Sugar Bowl and the New Orleans Jazz and Heritage Festival. A temporary use permit is required.